

STATE BOARD OF EDUCATION

Columbia, South Carolina

October 13, 2004

The State Board of Education held its October meeting at nine o'clock, Wednesday morning, October 13, 2004, in the Basement Conference Room of the Rutledge State Office Building. The following State Board members were in attendance: Dr. Mary E. Jones, Chair; Mr. Paul M. (Mike) Forrester, Chair-Elect; Ms. Rebecca Burch; Mr. Jessie Curtis; Mrs. Brenda S. Fort; Mr. John H. Hostetler; Mr. Joe Isaac; Mr. Marion B. Lee, Jr.; Mrs. Kristin Maguire; Dr. Dennis Nielsen; Dr. Harriett L. Rucker; Mrs. Terrye C. Seckinger; Mr. Phillip Shoopman; Ms. Virginia Wilson; and Mrs. Kristi Woodall. Also present was staff of the State Department of Education. Board members unable to attend were Ms. Victoria Belin and Dr. Anne Crook, who were excused for their absence.

OPENING

The meeting was brought to order by Chair Jones. Dr. Harriet Rucker led the Pledge of Allegiance.

APPROVAL OF MINUTES OF SEPTEMBER 10, 2004

Mrs. Kristin Maguire moved for the approval of the minutes of the September 10, 2004, meeting. The motion was seconded by Dr. Rucker and then approved by the Board.

APPROVAL OF STATE BOARD OF EDUCATION AGENDA

Mrs. Rebecca Burch moved for the approval of the agenda. The motion was seconded by Mrs. Maguire and approved by the Board.

RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Jones welcomed the visitors present. Mrs. Paula Gray stated there were no news media present.

STATE SUPERINTENDENT OF EDUCATION REPORT

**RECOGNITION OF THE INTEL/SCHOLASTIC TWENTY-FIRST CENTURY
SCHOOL OF DISTINCTION AWARD**

Superintendent Tenenbaum announced that Irmo Elementary School of Lexington School District Five was the recipient of the Intel/Scholastic Twenty-First Century School of Distinction Award.

Mr. Jim Shirley, Principal of Irmo Elementary School; Ms. Sandy Perkins, Assistant Principal; Ms. Jennie Paddock, Gifted and Talented Teacher; Ms. Ann Robertson, third grade teacher; Ms. Annette Farrell, PTA President; and Ms. Lynn Moore, School Improvement Council Chairperson were introduced by Superintendent Tenenbaum.

Superintendent Tenenbaum presented an engraved trophy to the school for this accomplishment.

**RECOGNITION OF THE WINNER OF THE 2003-04 SCHOOL BUS SAFETY
POSTER CONTEST**

Superintendent Tenenbaum recognized Evenezer Gutierrez from Greenville County as the statewide winner of the 2003-04 School Bus Safety Poster Contest.

Superintendent Tenenbaum presented an engraved plaque and a framed copy of the poster to Evenezer.

**RECOGNITION OF ADMINISTRATIVE ASSISTANT TO THE STATE BOARD
OF EDUCATION**

Superintendent Tenenbaum recognized Mrs. Paula Gray, Administrative Assistant to the State Board of Education, upon her leaving the State Department of Education.

Chair Jones made a special presentation to Mrs. Gray on behalf of the State Board of Education.

PUBLIC COMMENT PERIOD

There was one public speaker for this meeting: Mrs. Venus Slater, parent, Spartanburg School District Two, spoke to the Board regarding Gifted and Talented students in grades 1 and 2.

STATE BOARD OF EDUCATION STANDING COMMITTEE REPORTS

Mrs. Brenda Fort, Chair
Teacher Recruitment, Training, and Certification Committee

Dr. Harriett Rucker, Chair
Curriculum and Instructional Materials Committee

Mrs. Kristin Maguire, Chair
Finance and Legislative Committee

Dr. Mary Jones, Chair
Educational Policy Committee

56. Teacher Recruitment, Training, and Certification Committee—Mrs. Fort reported that the Teacher Recruitment, Training, and Certification Committee (*TRTC*) met on Tuesday, October 12, 2004.

01. Approval of Agenda for October 12, 2004—Mrs. Fort reported that the agenda for the October 12, 2004, meeting was approved.

02. Approval of Minutes of September 7, 2004—Mrs. Fort reported that the minutes from the September 7, 2004, Teacher Recruitment, Training, and Certification Committee meeting were approved.

55. Curriculum and Instructional Materials Committee—Dr. Harriett Rucker reported that the Curriculum and Instructional Materials Committee met on Tuesday, October 12, 2004.

01. Approval of Agenda for October 12, 2004—Dr. Rucker reported that the agenda for October 12, 2004, was approved.

02. Approval of Minutes of September 7, 2004—Dr. Rucker reported that the minutes of the September 7, 2004, Curriculum and Instructional Materials Committee meeting were approved.

Dr. Rucker reported that Item 55-03 was placed on the consent agenda.

54. Finance and Legislative Committee—Mrs. Kristin Maguire reported that the Finance and Legislative Committee met on Tuesday, October 12, 2004.

01. Approval of Agenda for October 12, 2004—Mrs. Maguire reported that the agenda for the October 12, 2004, meeting was approved.

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02. Approval of Minutes of September 7, 2004—Mrs. Maguire reported that the minutes of the September 7, 2004, Finance and Legislative Committee meeting were approved.

Mrs. Maguire reported that the following item was submitted for information:

State Board of Education Financial Statements

52. Educational Policy Committee—Mr. Forrester reported that the Educational Policy Committee met on Tuesday, October 12, 2004.

01. Approval of Agenda for October 12, 2004—Mr. Forrester reported that the agenda for the October 12, 2004, meeting was approved.

02. Approval of Minutes of September 7, 2004—Mr. Forrester reported that the minutes for the September 7, 2004, Educational Policy Committee meeting were approved.

Mr. Forrester reported that Items 52-03 and 52-04 were placed on the consent agenda.

CONSENT AGENDA

The following items were approved by the Board without further debate upon motion by Dr. Rucker, seconded by Mrs. Maguire:

55-03. Proposed waiver to 24 S.C. Code Ann. Regs. 43-241.1(C)(2-3), (D)(2-3), and (E)(2-3), Special Education, Education of Students with Disabilities

The Curriculum and Instructional Committee approved this item as presented.

52-03. Approval of State Board Volunteer Awards Nominating Committee Selections for the 2004 Volunteer Awards Winners

The Educational Policy Committee approved this item as presented.

52-04 Approval of the State Board of Education Agenda Preparation and Meeting Schedule for 2005

The Educational Policy Committee approved this item as presented.

**REPORT OF STATE BOARD OF EDUCATION EDUCATOR LICENSURE
ISSUES OF OCTOBER 12, 2004**

Chair-Elect Forrester gave a report of the actions taken by the State Board of Education concerning educator licensure issues in the State of South Carolina on Tuesday, October 12, 2004.

APPROVAL OF MINUTES OF OCTOBER 12, 2004

Mrs. Maguire moved for the approval of the minutes of the October 12, 2004, meeting. The motion was seconded by Mrs. Seckinger and approved by the Board.

PUBLIC HEARING—CHARTER SCHOOL APPEAL

The State Board of Education held a public hearing to hear an appeal from the MLD Higher Learning Academy (MLD) regarding the denial of its charter by the Lee County School District Board of Trustees (local board).

Cathy Dunn, Esquire, was given twenty (20) minutes to present information on behalf of MLD.

Karen Lear, Esquire, was then given twenty (20) minutes to speak on behalf of local Board's decision to deny the charter.

Cathy Dunn, Esquire, spoke in rebuttal.

EXECUTIVE SESSION REGARDING THE CHARTER SCHOOL APPEAL

The Board went in to Executive Session at 11:24 a.m. on motion by Mr. Shoopman, seconded by Mrs. Fort.

RETURN TO OPEN SESSION

The State Board of Education returned to open session at 12:34 p.m.

Mrs. Kristin Maguire moved that the State Board of Education finds that there is not substantial evidence in the record to support the local board's decision to deny the application of MLD based on their belief that MLD cannot meet or exceed the standards maintained by the District with regard to its educational programs, students' services, or operational efficiency. The motion was seconded by Mr. Isaac and approved by the Board.

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Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local board's decision to deny the application of MLD on the basis that MLD did not provide evidence to show that the charter school has a sufficient a number of parents, students, and teachers to make it viable. The motion was seconded by Mr. Forrester and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local board's decision to deny the application of MLD on the basis that MLD did not comply with all aspects of federal laws, which provide educational opportunities to students with special needs. The motion was seconded by Mrs. Seckinger and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local board's decision to deny the application of MLD on the basis that MLD did not comply with respect to appropriate planning as to how the charter school will meet state-mandated assessment standards. The motion was seconded by Mr. Forrester and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local board's decision to deny the application of MLD on the basis that MLD did not comply with respect to planning for teacher evaluations and other significant personnel matters. The motion was seconded by Mrs. Seckinger and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local board's decision to deny the application of MLD Charter School on the basis MLD did not comply with showing that the economic plan is sound and that the charter school's budget is not realistic or concrete. The motion was seconded by Mr. Isaac and approved by the Board with one opposing vote from Mrs. Fort.

Mrs. Kristin Maguire moved that the State Board of Education reverse the local board's decision to deny the application of MLD on the basis that the charter school does not address whether the enrollment will negatively impact the racial balance of the other schools, as this is not required by statute. The motion was seconded by Mrs. Seckinger and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is not substantial evidence on the record to support the local boards decision to deny the application of MLD on the basis that neither the original application nor the supplement responses contained sufficient information to allow the local

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board to determine whether the charter school would meet the requirements of § 59-40-50(B)(1), which requires the charter school to adhere to the same health and safety requirements as applied to other schools of the district. The motion was seconded by Mr. Shoopman and approved by the Board.

Mrs. Maguire moved that the State Board of Education reverse the local board's ruling that an adverse impact on the students was established to the extent required by law and regulation. The motion was seconded by Ms. Wilson and approved by the Board.

Mrs. Maguire moved that the State Board of Education reverse the local board's decision to deny the application of MLD on the basis that MLD did not request a conditional charter, as this is not required in statute. The motion was seconded by Mr. Forrester and approved by the Board.

Mrs. Maguire moved that the State Board of Education finds that there is no merit to any of the procedural violations raised at the hearing by the local district. The motion was seconded by Mr. Shoopman and approved by the Board.

Mrs. Maguire moved that the State Board of Education reverse the local board's decision to deny charter to MLD and grant approval to the MLD. The motion was seconded by Mrs. Seckinger and approved by the Board.

Chair Jones stated that Phillip Shoopman, Joe Isaac, and Harriett Rucker will work with the Office of General Counsel on the final order of the Board and that the final order will be issued within twenty days. The order will be published on the State Department of Education Web site.

ADJOURNMENT

There being no further business the Board adjourned at 1:30.

Chair

Secretary

Stbd2004/MIN10-04